(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

Writ Petition No. 2638 /2001.

PETITIONER : Bal Mukund s/o Laxman, Caste-Yadav, aged about 28 years, r/o village Vijaynagar, Tehsil Ramanujganj, Distt. Surguja, C.G.

V E R S U S

RESPONDENTS : 1. The State of Chhattisgarh, through Secretary, Co-operative Department, Raipur, C.G.

2. The Returning Officer, Prathmik Laghu Vanopaj, Sahkari Samiti, Vijaynagar, (Registration No. 1642) Tehsil Ramanujganj, Distt. Surguja, C.G.

3. Up Panjiyak Avam Prabandh Sanchalak, Jila Laghu Vanopaj Sangh Maryadit, Purvi Surguja Van Mandal, Ambikapur.

P. R. No. 2646
Presented by Shri A. K. Bajpai
dated 13/12/01

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

(93)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. NO 2638/2001

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

07/10/2002

Shri Sunil Sinha, counsel for the petitioner.

Shri Ranbir Singh, GA for the State.

Heard.

This writ petition was filed challenging the orders dated 09/12/2001 a 10/12/2001 whereby the Returning Officer had cancelled the elections which took place on 03/12/2001 in which the petitioner was elected and ordered for fresh elections.

Admittedly, the subject matter would be a dispute within the meaning of Clause (iv) of sub-section (2) of Section 64 of the Madhya Pradesh Co-operative Societies Act, 1960 which has to be referred to the Registrar of Co-operative Societies.

In the above view of the matter, learned counsel for the petitioner seeks permission to withdraw the petition in order to enable the petitioner to raise a dispute before the Registrar, Co-operative Societies. That prayer is granted. However, it is submitted by learned counsel for the petitioner that because of the pendency of this writ petition, the period of limitation has lapsed in the meantime, for which in terms of Clause (d) of sub-

(24)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2638/01 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	section (1) and sub-section (3) of Section 65 of the Co-operative Societies Act, he would make an application before the Registrar, Co-operative Societies. If it is done, the Registrar, Co-operative Societies will consider the question on its own merit keeping in mind the pendency of this writ petition, which was filed on 13/12/2001. With the aforesaid observations and directions, the writ petition stands disposed of. Sd/- P.C. Naik Judge	